

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

OLIVIA RISVEGLIA,

Plaintiff,

Case No. 19-cv-11073
Hon. Matthew F. Leitman

v.

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

**ORDER (1) GRANTING IN PART PLAINTIFF'S MOTION
FOR SUMMARY JUDGMENT (ECF No. 13), (2) DENYING
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT (ECF No. 18),
AND (3) REMANDING THIS ACTION FOR FURTHER
ADMINISTRATIVE PROCEEDINGS**

In this action, Plaintiff Oliva Risveglia challenges the denial of her application for Supplemental Security Income benefits under the Social Security Act. (*See* Compl., ECF No. 1.) Risveglia and Defendant Commissioner of Social Security have now filed cross-motions for summary judgment. (*See* Motions, ECF Nos. 13, 18.)

On April 29, 2020, the assigned Magistrate Judge issued a Report and Recommendation in which he recommended that the Court grant Risveglia's motion in part, deny the Commissioner's motion, and remand this action to the Commissioner for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). (the "R&R"). (*See* R&R, ECF No. 20.) At the conclusion of the R&R, the Magistrate Judge informed the parties that if they wanted to seek review of his recommendation, they

needed to file specific objections with the Court within fourteen days. (*See id.*, PageID.1027-1028.)

The Commissioner has not filed any objections to the R&R. The failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). In addition, the failure to file objections to an R&R waives any further right to appeal. *See Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, because the Commissioner has failed to file any objections to the R&R, **IT IS HEREBY ORDERED** that the Magistrate Judge's recommendation to grant Risvegilia's Motion for Summary Judgment in part and deny the Commissioner's Motion for Summary Judgment is **ADOPTED**.

IT IS FURTHER ORDERED that (1) Risvegilia's Motion for Summary Judgment (ECF No. 13) is **GRANTED IN PART** as set forth in the R&R, (2) the Commissioner's Motion for Summary Judgment (ECF No. 18) is **DENIED**, and (3) this action is **REMANDED** to the Commissioner for further administrative proceedings consistent with the R&R and this order.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: May 28, 2020

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 28, 2020, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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